

Appl. No. 10/787,297

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REMARKS/ARGUMENTS**Claim Rejections – 35 USC 102**

The Examiner rejects claim 24 under 35 USC 102(b) as being unpatentable over United States patent publication No. 2002/0186827 (“Griffiths”). The Examiner’s rejection is rendered moot, as claim 24 has been cancelled.

Claim Rejections – 35 USC 103

The Examiner rejects claims 1-23 under 35 USC 103(a) as being unpatentable over Griffiths in view of United States patent publication No. 2002/0085698 (“Liebenow”). In response, Applicant respectfully traverses the Examiner’s rejection for reasons detailed below.

The Examiner concedes that Griffiths does not teach “selectively overriding DnD functionality for the requested communication session as a function of an ignoreDnD attribute for the user device”, but contends that Liebenow teaches this subject matter in paragraph 0017. However, Applicant submits that paragraph 0017 does not teach selectively overriding DnD functionality as a function of an ignoreDnD attribute for the user device. Instead, Liebenow teaches that “any incoming call is handled by the switch or base station and is routed to the communication device only if the caller enters the interrupt or override code” [emphasis added]. As discussed below, routing a call based on whether the user enters the interrupt or override code requires extra signalling after the call request. The extra signalling is separate and distinct from the call request. This is completely different from selectively overriding DnD functionality as a function of an ignoreDnD attribute, which is applied to a criterion of the talk request itself.

Claim 1 of the present application defines how DnD functionality can be overridden based on an ignoreDnD attribute for the user device. For example, as described on page 13, lines 2-6, the talk request is provided with a priority indication indicating a priority of the talk request.

As described on page 13, lines 24-30, if the talk request is of urgent priority and the ignoreDnD attribute indicates that urgent priority calls are to override the DnD functionality, then the DnD functionality is overridden. The application generally relates to applying a criteria such as a

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priority of a call, an emergency call status, an ignore reason list, etc., to the call request itself. Therefore, there is no extra signalling required after the talk request. By contrast, there is additional signalling in Liebenow for the greeting and for the caller to enter the privacy mode code in order to override the privacy mode. This is made clear by the abstract of Liebenow, which is reproduced below for the convenience of the Examiner.

"A communication device (such as a cellular telephone, personal digital assistant, portable computer, or other similar device) is provided with a special privacy mode for use when a user desires privacy. Upon receiving a call from a caller, the communication device immediately provides to the caller a greeting, indicating that a user of the communication device desires privacy. However, if the caller needs to immediately contact the user, the caller enters a privacy mode code to override the privacy mode, and the call is then completed and the user is signaled (e.g., the communication device rings or vibrates). Otherwise, if the caller enters no privacy mode code, the call is then routed to a message system and the caller is allowed to leave a message for the user." [Emphasis added]

Liebenow suggests that after the call request, there is extra signalling for the greeting and for the caller to enter the code. The routing of the call is based on whether the caller enters the interrupt or override code during the extra signalling. Clearly this is different from the approach of the present application, which teaches selectively overriding DnD functionality based on an ignoreDnD attribute for the user device applied to a criterion of the talk request itself.

To clarify the subject matter for which patent protection is sought, claim 1 has been amended so as to recite "selectively overriding DnD functionality for the requested walkie-talkie-like communications session based on an ignoreDnD attribute for the user device applied to a criterion of the talk request" [emphasis added]. Therefore, claim 1 as amended defines that the ignoreDnD attribute for the user device is applied to a criterion of the talk request itself.

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Applicant submits that this was the intended scope of the claim and that this amendment is for clarification only. Support can be found in the description, for example on page 13, lines 2-6 and page 13, lines 24-30.

Claim 1 as amended also clarifies that the requested communications session is a requested walkie-talkie-like communications session. Applicant submits that this was the intended scope of the claim and that this amendment is for clarification only. Support can be found in the description, for example on page 12, line 30 to page 13, line 2. By contrast, the call request in Liebenow is not for a walkie-talkie-like communications session. Instead, the call request in Liebenow is for a voice call. Applicant submits that this is completely different.

In view of the foregoing, Applicant submits that claim 1 as amended is patentable over Griffiths and Liebenow.

Independent claims 10 and 20 have each been amended in a similar manner as claim 1. Applicant submits that independent claims 10 and 20 as amended are patentable over Griffiths and Liebenow for similar reasons provided above in respect of independent claim 1.

In view of the amendments to independent claim 10, dependent claim 12 has been amended so as to recite "the requested walkie-talkie-like communications session" instead of "the requested communications session". Applicant submits that the dependent claims are patentable over Griffiths and Liebenow for at least their dependence on the independent claims. Furthermore, Applicant submits that the dependent claims recite additional features not found in Griffiths or Liebenow. Examples are provided below.

Claim 3 recites that "the ignoreDnD attribute comprises an ignoreDnD flag" and that "selectively overriding said DnD functionality is a function of the ignoreDnD flag". The Examiner contends that Griffiths teaches this feature. However, as conceded by the Examiner, Griffiths does not teach "selectively overriding DnD functionality for the requested communication session as a function of an ignoreDnD attribute for the user device". Since the ignoreDnD flag is a part of the ignoreDnD attribute, it follows that Griffiths does not teach that "selectively overriding said DnD functionality is a function of the ignoreDnD flag".

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Claim 4 recites that "the ignoreDnD attribute comprises at least one predetermined ignore reason value" and that "selectively overriding said DnD functionality is a function of the at least one predetermined ignore reason value". The Examiner contends that Griffiths teaches this feature. However, as conceded by the Examiner, Griffiths does not teach "selectively overriding DnD functionality for the requested communication session as a function of an ignoreDnD attribute for the user device". Since the at least one predetermined ignore reason value is a part of the ignoreDnD attribute, it follows that Griffiths does not teach that "selectively overriding said DnD functionality is a function of the at least one predetermined ignore reason value".

Claims 8 and 17 define that the number of possible current states for the talk request comprise at least one of "urgent", and "emergency". The Examiner contends that Liebenow teaches this feature in paragraph 0018. However, this portion of Liebenow teaches that the "privacy mode enables the user of the communication device to provide to callers an outgoing message, indicating that the user does not wish to be disturbed unless the call is an emergency." As noted above, Liebenow teaches that the caller may respond to the message with an interrupt code, which causes the communication device to signal the user. Therefore, extra signaling is used to override the privacy mode, which is completely different from the talk request itself indicating a state such as "urgent" or "emergency".

Claim 13 recites that "the ignoreDnD attribute comprises an ignoreDnD flag" and that "the ignoreDnD processing function selectively overrides said DnD functionality as a function of the ignoreDnD flag and the at least one predetermined ignore reason value". The Examiner contends that Griffiths teaches this feature. However, as conceded by the Examiner, Griffiths does not teach "selectively overriding DnD functionality for the requested communication session as a function of an ignoreDnD attribute for the user device". Since the ignoreDnD flag and the at least one predetermined ignore reason value are both part of the ignoreDnD attribute, it follows that Griffiths does not teach that "the ignoreDnD processing function selectively overrides said DnD functionality as a function of the ignoreDnD flag and the at least one predetermined ignore reason value".

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-23 under 35 USC 103(a).

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New Claim 25

New claim 25 recites "A computer readable medium having computer executable instructions stored thereon for execution on a processor so as to implement the method of claim 1." Applicant submits that this claim is fully supported by the application as originally filed. Applicant further submits that claim 25 is patentable of the prior art of record for similar reasons provided above in respect of independent claim 1.

In view of the foregoing, early favorable consideration of this application is earnestly solicited.

Respectfully submitted,

HAO XUE ET AL

By 

Allan Brett
Reg. No. 40,476
Tel.: (613) 232-2486

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RAB:PDB:kbc